

**REMARKS**

**INTRODUCTION**

In the Office action mailed September 22, 2004, claims 1-47 were rejected. In accordance with the foregoing, claims 1, 7, 11, and 12 are amended, and claims 2-6, 10, and 22-47 are cancelled, without prejudice or disclaimer.

Reconsideration of pending claims 1, 7-9, and 11-21 is respectfully requested.

**ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:**

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

- (a) at least certain of the rejected claims have been canceled thereby at least reducing the issues for appeal;
- (b) it is believed that the amendment of claims 1, 7, 11, and 12 puts this application into condition for allowance;
- (c) the amendment were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed;
- (d) the amendments of claims 1, 7, 11, and 12 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised. In the Office action dated September 22, 2004, claims 1-38 and 45-47 were rejected under 35 U.S.C. 102(b); therefore, all of the features of these claims have already considered, reviewed, and examined by the Examiner. Specifically, the features of amended independent claim 1, which is amended to include the features of original dependent claim 10, have already been considered, reviewed and examined by the Examiner when the Examiner separately reviewed the features from original independent claim 1 and original dependent claim 10; and/or
- (e) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised; and/or.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, §714.13 sets forth that "[t]he Proposed Amendment should

be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

**REJECTION OF CLAIMS 1-38 AND 45-47 UNDER 35 U.S.C. 102(b) BY KOBAYASHI ET AL. (4,796,250)**

On page 3, numbered paragraph 3 of the Office action, the Examiner rejected claims 1-38 and 45-47 under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al. (4,796,250) (hereinafter, "Kobayashi"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). For at least the reasons discussed below, it is respectfully submitted that the foregoing claims are not anticipated by Kobayashi because Kobayashi does not disclose each and every element set forth in the claims.

The reference relied upon by the Examiner, Kobayashi, relates to an apparatus for recording and reproducing data into/from an optical disc wherein the power of a laser diode can be instantaneously controlled to the optimum value in each of the writing, reading, and erasing modes. Specifically, Kobayashi discloses that the detection output of a photo diode is alternatively held in the sample and hold circuits for every area. The outputs of the sample and hold circuits are respectively supplied to comparators and the output from the comparators are respectively supplied to low pass filters to control the power of the laser diode. Kobayashi, column 7, lines 19-50.

Claim 1 of the present application, as amended, recites: "An apparatus for controlling an output of a laser diode in an optical medium apparatus, comprising: ... a controller connected to said sampling circuit and said arithmetic unit, said controller including: a write pulse generator ...; and a sampling controller ..."

It is respectfully submitted that Kobayashi fails to teach or suggest at least an apparatus including a controller for controlling an output of a laser diode comprising a write pulse generator and a sampling controller, as is disclosed in amended claim 1 of the present application.

In fact, Kobayashi does not even mention a separate controller device for controlling the output of the laser diode. As shown in Figures 4 and 7 and disclosed in the specification, Kobayashi simply discloses an apparatus for recording and/or reproducing data into/from an

optical disc such that the power of a laser diode can be instantaneously controlled to the optimum value in each of the writing, reading, and erasing modes, wherein the apparatus is comprised only of a plurality of sample and hold circuits (4A), and an arithmetic unit (5A, 7A, 8A, 9, and 10).

Thus, in Kobayashi, the controlling of the laser diode is done entirely by alternatively holding the detection output of a photo diode in sample and hold circuits for every area such that the output of the sample and hold circuits are respectively supplied to comparators and the output of the comparators are respectively supplied to low pass filters to control the power of the laser diode. Specifically, Kobayashi discloses that the detection output of a photo diode is alternatively held in the sample and hold circuits for every area. The outputs of the sample and hold circuits are respectively supplied to comparators and the output from the comparators are respectively supplied to low pass filters to control the power of the laser diode. Kobayashi, column 7, lines 19-50.

Therefore, for at least the reasons discussed above, claim 1 patentably distinguishes over the reference relied upon by the Examiner and applicant respectfully requests that claim 1 be allowed.

Claims 7-9 and 11-21 depend from independent claim 1 and patentably distinguish over the reference relied upon by the Examiner for at least the reasons discussed above with respect to claim 1. In light of the foregoing, Applicant respectfully requests that dependent claims 7-9 and 11-21 be allowed.

Further, claim 7 of the present application, in part, recites: "...a preprocessor interposed between said current/voltage converter and said analog to digital converter, controlling the gain of said voltage signal output from said current/voltage converter." It is respectfully submitted that Kobayashi fails to teach or suggest at least a preprocessor controlling the voltage gain signal output from a current/voltage converter.

Therefore for at least the foregoing reason, claim 7 patentably distinguishes over the reference relied upon by the Examiner. Similarly, claims 8 and 9 each depend from claim 7 and each relate to at least the preprocessor. Therefore, for at least the foregoing reason, claims 7-9 patentably distinguish over the reference relied upon by the Examiner.

Further, claim 11 of the present application, in part, recites: "... a delay delaying said write control signal transmitted from said write pulse generator to said sampling controller and

providing said sampling controller with a delayed write control pulse ... “ It is respectfully submitted that Kobayashi fails to teach or suggest at least a delay device delaying the write control signal transmitted from a controller (write pulse generator). Therefore, for at least the foregoing reason, claim 11 patentably distinguishes over the reference relied upon by the Examiner.

Further, claim 12 of the present application, in part, recites: “ ... an interface connected to an external source ...; and an APC controller connected between said interface and said write pulse generator ...” It is respectfully submitted that Kobayashi fails to teach or suggest at least an interface receiving interface signals including a clock signal, a read/write control signal, said NRZI signal and a land/groove determination signal; and an APC controller connected between said interface and said write pulse generator and said sampling controller controlling said write pulse generator and said sampling controller in response to said interface signals. Therefore, for at least the foregoing reason, claim 12 patentably distinguishes over the reference relied upon by the Examiner.

Further, claim 13 of the present application, in part, recites: “... arithmetic unit comprises: a reference power selector having reference registers ... a control power selector having control registers ... a subtractor connected to said sampling circuit and said reference power selector, measuring a difference between said reference power value and said power values provided by said sampling circuit, generating a difference signal; an adder connected to said control power selector and said subtractor, adding said difference signal to said control power value, and generating an added signal; and a demultiplexer connected to said adder, selecting one of said control registers so as to store said added signal in said one of said control registers.”

It is respectfully submitted that Kobayashi fails to teach or suggest at least an arithmetic unit comprising all of the above-recited features of claim 13.

Instead, the group of elements 5A, 7A, 8A, 9, and 10 identified by the Examiner as an “arithmetic unit” simply discloses that the output of the sampling circuit 4A (SH) is supplied to a comparator 5A and the output from the comparator 5A is supplied to a low pass filter 7A and current limiter 8A to control the power of the laser diode. Kobayashi, column 7, lines 19-50.

Similarly, claims 8 and 9 each depend from claim 7 and each relate to the arithmetic unit of claim 13. Therefore for at least the foregoing reasons, claims 13-21 patentably distinguish over the reference relied upon by the Examiner.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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